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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/377,322	08/19/1999	JEFFREY P. BEZOS	AMAZON.012A2	7649
20995	7590	07/16/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			HAQ, NAEEM U	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/377,322

Applicant(s)

BEZOS ET AL.

Examiner

Naeem Haq

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 1-9, 12-44, 51, 52 and 56-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 45-50, 53-55 and 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Appeal Brief

In view of the Appeal Brief filed on March 29, 2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 45, 48, 50, 53, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bieganski (US Patent 6,321,221 B1) in view of Information Week "Just Add People" hereinafter referred to as InfoWeek.

Referring to claim 45, Bieganski teaches a computer implemented method of assisting users in selecting items to purchase from an electronic catalog of items,

(column 5, lines 44-54; column 6, lines 38-47, lines 66-67; column 7, lines 1-10, column 16, lines 38-49, lines 62-67; column 17, lines 1-12), the method comprising:

- maintaining purchase history data for each of a plurality of users of the electronic catalog (column 6, line 66 – column 7, line 10);
- maintaining community (neighborhood) data indicative of user memberships within a specific community (neighborhood), wherein the community (neighborhood) represents a respective subset of a general user population (Figure 4; column 1, lines 46-62; column 6, line 38-47, lines 66-67; column 7, lines 1-50);
- monitoring online browsing of the electronic catalog by a first user to detect that an item accessed by the first user has been purchased by a second user who is also a member of the community (neighborhood) as reflected by the purchase history data and the community (neighborhood) data (column 16, lines 62-67 – column 17, lines 1-25).

Bieganski does not teach that the community is an explicit-membership community that users explicitly join, or that in response to detecting that the item has been purchased by the second user, supplementing a catalog page requested by the first user to include a notification that the item has been purchased by a second user, said catalog page being a page on which the item is displayed. However, InfoWeek teaches a method of collaborative filtering wherein the community is an explicit community (page 2, paragraph 4). InfoWeek teaches that GroupLens version 2.5 allows users to explicitly identify a community they want to be associated with by submitting a specific group of

people. Furthermore, InfoWeek teaches that GroupLens "...generates a personalized home page for each user showing resources likely to interest them. The page also shows a list of 'neighbors' with similar interests and lets users see what their peers are viewing and how they rated the content." (page 2, paragraph 5). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of InfoWeek into the method Bieganski. One of ordinary skill in the art would have been motivated to do so in order to allow a user to control what group the recommendation engine used to generate the personalized recommendation, as taught by InfoWeek. Furthermore, one of ordinary skill in the art would have been motivated to incorporate the personalized home page of InfoWeek into the method of Bieganski in order to provide a user with a graphically enriched web page.

Referring to claim 50, Bieganski does not teach that the community is a private community. However, as noted above, InfoWeek teaches that GroupLens version 2.5 allows users to explicitly identify a community they want to be associated with by submitting a specific group of people (page 2, paragraph 4). Hence, InfoWeek teaches this limitation since the user explicitly creates his or her own community. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of InfoWeek into the method Bieganski. One of ordinary skill in the art would have been motivated to do so in order to allow a user to control what group the recommendation engine used to generate the personalized recommendation, as taught by InfoWeek.

Referring to claim 53, Bieganski teaches a computer implemented method of assisting users in selecting items to purchase from an electronic catalog of items, (column 5, lines 44-54; column 6, lines 38-47, lines 66-67; column 7, lines 1-10, column 16, lines 38-49, lines 62-67; column 17, lines 1-12), the method comprising:

- maintaining purchase history data for each of a plurality of users of the electronic catalog (column 6, line 66 = column 7, line 10);
- maintaining community (neighborhood) data indicative of user memberships within a specific community (neighborhood), wherein the community (neighborhood) represents a respective subset of a general user population (Figure 4; column 1, lines 46-62; column 6, line 38-47, lines 66-67; column 7, lines 1-50);
- monitoring online browsing of the electronic catalog by a first user to detect that an item accessed by the first user has been purchased by a second user who is also a member of the community (neighborhood) as reflected by the purchase history data and the community (neighborhood) data (column 16, lines 62-67 – column 17, lines 1-25).
- wherein the method is performed by a server system that provides functionality for browsing and making purchases from the electronic catalog (column 16, line 62 – column 17, line 25).

Bieganski does not teach that the community is a private community (i.e. personal address book), or that in response to detecting that the item has been purchased by the second user, supplementing a catalog page requested by the first user to include a

notification that the item has been purchased by a second user. However, InfoWeek teaches a method of collaborative filtering wherein the community is a private community (page 2, paragraph 4). InfoWeek teaches that GroupLens version 2.5 allows users to explicitly identify a community they want to be associated with by submitting a specific group of people. Furthermore, InfoWeek teaches that GroupLens "...generates a personalized home page for each user showing resources likely to interest them. The page also shows a list of 'neighbors' with similar interests and lets users see what their peers are viewing and how they rated the content." (page 2, paragraph 5). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of InfoWeek into the method Bieganski. One of ordinary skill in the art would have been motivated to do so in order to allow a user to control what group the recommendation engine used to generate the personalized recommendation, as taught by InfoWeek. Furthermore, one of ordinary skill in the art would have been motivated to incorporate the personalized home page of InfoWeek into the method of Bieganski in order to provide a user with a graphically enriched web page. Moreover, Information Week teaches a method of collaborative filtering for making recommendations wherein the user submits a specific group of people (private / explicit community) for the recommendations to be based on (page 2, paragraph 4). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have a user submit a specific group of people from his or her address book, or from anywhere else, for the purpose of receiving a recommendation in the method of Bieganski and Chislenko. One of ordinary

skill in the art would have been motivated to do so in order to base the user's recommendations on a specific group of people that the user corresponded or interacted with regularly. Finally, the limitation of maintaining a personal address book data (i.e. private community) is inherent in the teachings of InfoWeek because InfoWeek teaches that recommendations are based on the collective preferences of the specific group of people submitted by the user. Therefore, the system must store and maintain this list of people in order to make these recommendations.

Referring to claims 48 and 63, Bieganski does not explicitly teach that the catalog page is an item detail page. However, Bieganski teaches providing a web-based interface and a list of personalized book recommendations within a web-based bookstore (column 16, line 62 – column 17, line 5). Furthermore, InfoWeek teaches a "...personalized home page for each user showing resources [item details] likely to interest them." (page 2, paragraph 4). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate an item detail page in the invention of Bieganski and InfoWeek. One of ordinary skill in the art would have been motivated to do so in order to display individual product details in the web-based bookstore of Bieganski (column 16, lines 62-66). Moreover, the Examiner notes that this limitation is not functionally involved in the steps of the recited method. Therefore this limitation is deemed to be nonfunctional descriptive material. The steps of maintaining, monitoring, detecting, and supplementing would be performed the same regardless of what information the catalog page contained. The differences between the content of the Applicants' catalog page and the prior art are merely subjective. Thus

this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) also see MPEP 2106. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to place any information in the catalog page of Bieganski and InfoWeek because such information does not functionally relate to the steps of the claimed method and because the subjective interpretation of information does not patentably distinguish the claimed invention.

Claims 46, 49, 54, and 55, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bieganski (US Patent 6,321,221 B1) in view of Information Week "Just Add People", and further in view Chislenko et al (US Patent 6,041,311).

Referring to claims 46 and 55, the cited prior art (Bieganski and InfoWeek) does not teach that in response to detecting that the item has been purchased by the second user, providing an option to the first user to send a message to the second user. However, Chislenko also teaches a method of using collaborative filtering to make personalized recommendations to users online (column 2, lines 5-10; column 3, lines 7-14; column 20, lines 40-67) wherein the first user is provided an option to send a message to a second user that shares a similar interest (column 21, lines 11-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Chislenko into the method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in

order to allow one user to communicate with another user about a common interest, as taught by Chislenko.

Referring to claim 49 and 54, the cited prior art (Bieganski and InfoWeek) does not teach that the notification includes contact information of the second user. However, Chislenko teaches a method of using collaborative filtering to make personalized recommendations to users online (column 2, lines 5-10; column 3, lines 7-14; column 20, lines 40-67) wherein the first user is provided an option to send a message to a second user that shares a similar interest (column 21, lines 11-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Chislenko into the method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow one user to communicate with another user about a common interest, as taught by Chislenko. Furthermore, the Examiner notes that this limitation is not functionally involved in the steps of the recited method. Therefore this limitation is deemed to be nonfunctional descriptive material. The steps of maintaining, monitoring, detecting and supplementing would be performed the same regardless of what information the notification contained. The differences between the content of the Applicants' notification and the prior art are merely subjective. Thus this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) also see MPEP 2106. Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to include any information in the notification of the cited prior art because such information does not functionally relate to the steps of the claimed method and because the subjective interpretation of information does not patentably distinguish the claimed invention.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bieganski (US Patent 6,321,221 B1) in view of Information Week "Just Add People", and further in view Chislenko et al (US Patent 6,041,311) and Official Notice.

Referring to claim 47, the cited prior art does not teach providing an option to the first user to send an instant message to the second user. However, Official Notice is taken that it is old and well known in the art to provide instant messaging. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate an instant messaging feature into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to facilitate communication between two users in real-time.

Response to Arguments

Since the Applicants have failed to seasonably challenge the Examiner's Official Notice presented in the previous Office Actions, the Examiner now interprets all Official Notices as admitted prior art. *Applicant must seasonably challenge well known statements and statements based on personal knowledge when they are made. In re Selmi, 156 F.2d 96, 70 USPQ 197 (CCPA 1946). If Applicant does not seasonably traverse the well*

known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d71, 60 USPQ 239 (CCPA 1943). Also see MPEP 2144.03.

Referring to claims 45 and 49, Applicants' arguments filed May 30, 2003 have been fully considered but they are not persuasive. The Applicants have argued that the phrase "explicit-membership communities" allows users to control or limit exposure of their purchase histories to other users. The Examiner respectfully disagrees with this interpretation. The specification cited by the Applicants does not define "explicit-membership communities" as allowing users to control exposure of their purchase histories. Instead the specification states, "The explicit membership communities may include, for example, specific universities, outdoors clubs, community groups, and professions. Users may also have the option of adding explicit membership communities to the system, including communities that are private (not exposed to the general population)." The feature of allowing users to control or limit exposure of their purchase histories to other users appears to be a separate and distinct feature which is not inherently coupled to the phrase "explicit-membership communities." The Applicants have also argued that the groups of users disclosed by Information Week are not "explicit-membership communities" because the users do not explicitly join them. The Examiner disagrees. Information Week clearly states that users explicitly join a specific group. Information Week states "Version 2.5 lets users submit a specific group of people and generate a list of recommendations based on their collective preferences" (page 2, paragraph 4). The Applicants have argued that the references do not teach

the limitation of supplementing a catalog page requested by the first user to include a notification that the item has been purchased by the second user, said catalog page being a page in which the item is displayed. The Examiner disagrees. Information Week teaches that the personalized home page displays "resources" which may interest the user and shows a list of "neighbors" with similar interests.

Referring to claims 46-48, 50, 53-55, and 63, Applicants' arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (703)-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Naeem Haq, Patent Examiner
Art Unit 3625

July 9, 2004



Jeffrey A. Smith
Primary Examiner

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